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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,080	02/28/2005	Maarten Peter Bodlaender	NL 020771	8322
24737 7590 01/04/2008 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			EXAMINER SMITH, CREIGHTON H	
			ART UNIT	PAPER NUMBER
			2614	
			MAIL DATE	DELIVERY MODE
			01/04/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/526,080

Applicant(s)

BODLAENDER, MAARTEN PETER

Examiner

Creighton H. Smith

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>19.08.05</u> | 6) <input type="checkbox"/> Other: ____ |

Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant's "and/or" phrase in claims 1, 2, 6, and 8 render the claim vague and indefinite because the metes and bounds of the claim are uncertain. On applicant's flowchart of Fig 2., applicant needs to fill the squares and diamonds.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rolf et al, U.S. Patent #5,555,536 in view of Book et al., U.S. Patent Publication #2003/0095651

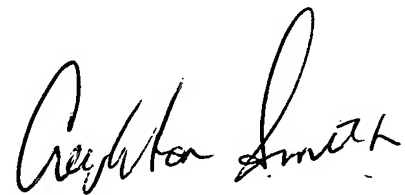
Rolf et al disclose an answering machine, i.e., a device that will store audio messages, col. 2, lines, 44-47. Rolf's answering machine includes a storage unit (18) that stores messages generated by the user, col. 5, lines 39 et seq., which is the same as applicant's receiving unit. Rolf's answering machine also has a clock unit. In col. 2, lines 19 et seq., Rolf discloses an answering machine having the ability to play recorded messages at one or more selected times, and an answering machine that will silently record incoming phone messages while a user is asleep. At a pre-selected time the messages could be automatically played. Therefore, Rolf's device includes applicant's recital of a do not disturb mode, by silently recording. In lines 23-24 of col. 2, Rolf

discloses at a pre-selected time the messages could be automatically played, which reads upon applicant's alarm mode; or in col. 1, lines 10, 17, 25, 33 an alarm mode is specifically stated. Rolf et al do not disclose the override function, but Book et al do disclose an override function in ¶-0054 where they disclose that the subscriber is able to determine when incoming calls are routed to VM by turning the call routing service ON and OFF, and selectively activating the service by customized time of day, day of week schedules. Furthermore, a PIN is provided to enable a calling to override the routing to VM of incoming calls. To have provided Book et al teaching of an override function into Rolf et al answering machine would have been obvious to a person having ordinary skill in the art, because both references teach answering machines and the skilled practitioner in this art would have found that the features of one answering machine readily combinable with the features of another answering machine.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rolf et al in view of Book et al as applied to claim 1 above, and further in view of Holt et al, U.S. Patent Publication #2003/0118160.

Holt et al disclose in ¶-0004 an override function on an answering machine and in ¶-0008 VoIP. To have used the Internet as the provider in Rolf et al answering machine would have been obvious to a person having ordinary skill in the art.

Any inquiry concerning this communication should be directed to Creighton H. Smith at telephone number 571/272-7546.



CREIGHTON SMITH
PRIMARY EXAMINER

31 DEC 2007